

AMENDED IN ASSEMBLY MAY 5, 2015

AMENDED IN ASSEMBLY APRIL 20, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1461

Introduced by Assembly Members Gonzalez, Alejo, and McCarty
(Coauthor: Assembly Member Eduardo Garcia)

February 27, 2015

An act to add Chapter 4.5 (commencing with Section 2260) to Division 2 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1461, as amended, Gonzalez. Voter registration.

Existing law, the federal National Voter Registration Act of 1993, requires a state to, among other things, establish procedures to register a person to vote by application made simultaneously with an application for a new or renewal of a motor vehicle driver's license. The federal act requires the motor vehicle driver's license application to serve as an application for voter registration with respect to an election for federal office, unless the applicant fails to sign the application, and requires the application to be considered as updating the applicant's previous voter registration, if any. The federal act defines "motor vehicle driver's license" to include any personal identification document issued by a state motor vehicle authority.

Under existing state law, a person may not be registered to vote except by affidavit of registration. Existing law requires a properly executed

affidavit of registration to be deemed effective upon receipt of the affidavit by the county elections official if the affidavit is submitted to the Department of Motor Vehicles on or before the 15th day before the election. Existing state law requires the Department of Motor Vehicles and the Secretary of State to develop a process and the infrastructure to allow a person who is qualified to register to vote in the state to register to vote online.

Existing law requires the Department of Motor Vehicles to issue driver's licenses and state identification cards to applicants who meet specified criteria and provide the department with the required information. Existing law generally requires an applicant for an original driver's license or state identification card to submit satisfactory proof to the department that the applicant's presence in the United States is authorized under federal law.

This bill would require the Secretary of State and the Department of Motor Vehicles to establish the California New Motor Voter Program for the purpose of increasing opportunities for voter registration by any person who is qualified to be a voter. Under the program, *after the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act*, the Department of Motor Vehicles would be required to electronically provide to the Secretary of State the records of each person who is issued an original or renewal of a driver's license or state identification card if the proof that the applicant is required to submit to prove that his or her presence in the United States is authorized under federal law also establishes that the applicant is a citizen of the United States. In turn, the Secretary of State would be required to provide those records to the county elections official of the county in which the person may be registered to vote and to notify the person that he or she will be registered to vote unless he or she declines to be registered within 21 days after the date that the Secretary of State issues the notice. If a person does not decline to be registered to vote within that time period, this bill would provide that the person's motor vehicle records shall constitute a completed affidavit of registration and the person shall be registered to vote. This bill would require the Secretary of State to adopt regulations to implement this program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 4.5 (commencing with Section 2260) is
2 added to Division 2 of the Elections Code, to read:

3
4 CHAPTER 4.5. CALIFORNIA NEW MOTOR VOTER PROGRAM
5

6 2260. This act shall be known and may be cited as the
7 California New Motor Voter Program.

8 2261. The Legislature finds and declares all of the following:

9 (a) Voter registration is one of the biggest barriers to
10 participation in our democracy.

11 (b) In 1993, Congress enacted the federal National Voter
12 Registration Act of 1993 (52 U.S.C. Sec. 20501 et seq.), commonly
13 known as the “Motor Voter Law,” with findings recognizing that
14 the right of citizens to vote is a fundamental right; it is the duty of
15 federal, state, and local governments to promote the exercise of
16 the right to vote; and the primary purpose of the act is to increase
17 the number of eligible citizens who register to vote.

18 (c) In 2014, with nearly 7 million Californians eligible to vote
19 but not registered, California ranks 38th among the 50 states in
20 voter registration.

21 (d) In the 2014 elections, voter turnout nationwide was the
22 lowest since World War II, with California ranking 43rd in voter
23 participation.

24 (e) Voting laws and practices have evolved over time with the
25 goal of increasing voter participation, as illustrated by the history
26 of vote by mail. While going to the polls on election day was once
27 the only option for voting, vote by mail voting initially provided
28 an alternate means of voting for voters with an excuse for being
29 absent on election day, then it became an option available to any
30 voter, and eventually the law allowed for permanent vote by mail
31 voters who are automatically sent a vote by mail ballot for every
32 election.

33 (f) Similarly, the federal Motor Voter Law was enacted more
34 than 20 years ago based on a paper voter registration process, but
35 may now use modern electronic data technologies to make voter
36 registration easier, more convenient, and more efficient, while also
37 preserving citizens’ choice to decline to be registered or cancel
38 their registration at any time.

(g) It is the intent of the Legislature to enact the California New Motor Voter Program to provide California citizens additional opportunities to participate in democracy through exercise of their fundamental right to vote.

2262. The Secretary of State and the Department of Motor Vehicles shall establish the California New Motor Voter Program for the purpose of increasing opportunities for voter registration by any person who is qualified to be a voter under Section 2 of Article II of the California Constitution.

2263. (a) (1) The Secretary of State, in consultation with the Department of Motor Vehicles, shall establish a schedule for the department to electronically provide to the Secretary of State the records specified in this subdivision.

(2) Except as provided in paragraph (3), the Department of Motor Vehicles shall electronically provide to the Secretary of State the records of a person who is issued an original or renewal of a driver's license or state identification card if the proof that the applicant is required to submit to prove that his or her presence in the United States is authorized under federal law also establishes that the applicant is a citizen of the United States. The records shall include the person's name, age, residence address, and electronic signature.

(3) The department shall not electronically provide the records of a person who is issued a driver's license pursuant to Section 12801.9 of the Vehicle Code because he or she is unable to submit satisfactory proof that his or her presence in the United States is authorized under federal law.

(4) *The Department of Motor Vehicles shall not electronically provide records pursuant to this subdivision, and the schedule established pursuant to paragraph (1) shall not provide for the Department of Motor Vehicles to electronically provide records, until after the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.).*

(b) Upon receipt of records pursuant to subdivision (a), the Secretary of State shall provide the records to the county elections official of the county in which the person may be registered to vote, unless the Secretary of State determines that the person is not eligible to register to vote or is already registered to vote.

1 (c) The Secretary of State shall notify each person whose records
2 are sent to a county elections official of all of the following:

3 (1) That he or she will be registered to vote unless he or she
4 declines to be registered within 21 days after the date that the
5 Secretary of State issues the notification.

6 (2) The method by which he or she may decline to be registered
7 to vote.

8 (3) The method by which he or she may include his or her
9 political party preference on his or her voter registration.

10 (d) If a person notified under subdivision (c) does not decline
11 to be registered to vote within 21 days after the date that the
12 Secretary of State issues the notification, the person's records shall
13 constitute a completed affidavit of registration and the person shall
14 be registered to vote.

15 2264. A person registered to vote may cancel his or her voter
16 registration at any time by submitting a request to the county
17 elections official pursuant to Section 2201.

18 2265. This chapter does not affect the confidentiality of a
19 person's voter registration information, which remains confidential
20 pursuant to Section 2194 of this code and Section 6254.4 of the
21 Government Code and for all of the following persons:

22 (a) A victim of domestic violence, sexual assault, or stalking
23 pursuant to Section 2166.5.

24 (b) A reproductive health care service provider, employee,
25 volunteer, or patient pursuant to Section 2166.5.

26 (c) A public safety officer pursuant to Section 2166.7.

27 (d) A person with a life-threatening circumstance upon court
28 order pursuant to Section 2166.

29 2266. The Secretary of State shall adopt regulations to
30 implement this chapter.